IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6698 OF 2006

Rupali Suresh Koditkar ..Petitioner

versus

Suresh Murlidhar Koditkar ..Respondent

Mr. Ameya Tamhane h/f. Seema Sarnaik for the Petitioner.

Mr. U. B. Nighot for the Respondent.

CORAM : D. G. DESHPANDE, J.

DATE : 28TH FEBRUARY, 2007

P.C. :

1. Heard Advocate for the Petitioner and the Respondent.

2. Petitioner filed an application for temporary injunction restraining her husband from interfering with the possession of her matrimonial house. It was a case of the respondent that the house in respect of which she was claiming injunction, though purchased by him was gifted by him to his sister and mother and he had no right in

the said house. Therefore, petitioner, firstly could not claim any right of residence in that house and secondly according to him wife has filed case under Section 498A and thereafter she forced entry in the house and therefore this illegal occupation of the wife cannot be protected by injunction order. The trial court i.e. the Family Judge, Pune, after considering submissions of both the sides and the circumstances brought on record, rejected the contention of the wife as it was found that the wife has no prima facie case and she had no right to occupy the flat. I do not find any illegality in the order of the trial court, no interference is called for. There is no merit in this petition. Petition is dismissed.

(D.G. DESHPANDE, J.)